IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.69 OF 2004

Shantivan Developers Pvt.Ltd.& Anr. ...Appellant

Vs.

Dharam Palace Co-op Hsg.Soc.Ltd. ...Respondent

Mr.Anikkal Rajan for Respondent Nos.1 & 2.

CORAM: A.S.OKA, J.

DATED: JANUARY 18, 2005.

P.C.:

1. The learned Counsel for the Respondents No.1 & 2 states that suit filed in the City Civil Court is dismissed for default on 4th July 2004 and though an Application for restoration is filed, the same is not restored as yet.

2. In the circumstances, this Appeal preferred against the interim order during the pendency of the suit does not survive and the same is dismissed as it has become infructuous.

3. In case the suit is restored, liberty to apply for restoration of this Appeal.

Judge.